



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 08 2014

REPLY TO THE ATTENTION OF:

E-19J

George Poirier
Federal Highway Administration
525 Junction Road, Suite 8000
Madison, Wisconsin 53717

Re: Limited Scope Supplemental Final Environmental Impact Statement, Wisconsin State Highway 23 Fond du Lac to Plymouth, Fond du Lac and Sheboygan Counties, Wisconsin – CEQ # 20140104

Dear Mr. Poirier:

The U.S. Environmental Protection Agency has reviewed the Limited Scope – Supplemental Final Environmental Impact Statement (EIS) and Record of Decision (ROD) for the above mentioned project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

The Federal Highway Administration (FHWA) and the Wisconsin Department of Transportation (WisDOT) propose capacity expansion along Wisconsin State Highway 23 (WIS 23) between Fond du Lac and Plymouth, Wisconsin. This part of WIS 23 is currently a two-lane highway; the majority of the rest of WIS 23 is four-lane. Traffic projections and safety concerns outline the need for increased capacity and improved roadway conditions.

FHWA and WisDOT issued an original Draft EIS for this project in 2004, a Draft Supplemental EIS in early 2010, and a Final EIS in late 2010. In June 2011, 1000 Friends of Wisconsin, Inc. filed a complaint against WisDOT, the U. S. Department of Transportation, and FHWA for approving the WIS 23 corridor expansion. Additional legal proceedings were stayed pending the preparation of this Limited Scope – Supplemental EIS.

EPA provided comments on the Limited Scope – Supplemental Draft EIS on September 9, 2013. We requested clarification and details on the type of structure proposed over the Mullet River. We rated the document LO – Lack of Objections. Subsequently, WisDOT and FHWA updated the Limited Scope – Supplemental Final EIS to include details about the type of structure

proposed over the Mullet River in section 4.6 C-2, *Streams and Floodplains*. WisDOT and FHWA plan to cross the Mullet River with a culvert that will match the existing culvert configuration, which includes a lowered bottom to produce a natural stream bottom. Because this issue has been addressed, EPA has no further comments.

EPA reaffirms that we reserve the right to provide additional comments during the Clean Water Action (CWA) Section 404 permit process, jointly administered by the EPA and the U.S. Army Corps of Engineers. We consider corridor preservation to be a suitable topic in the NEPA process; however, EPA reserves the right to comment on the corridor preservation alternative and its alternatives during the forthcoming CWA Section 404 permit process.

Thank you for consideration of our comment. Should you have any questions, please do not hesitate to contact me or Elizabeth Poole of my staff at (312) 353-2087 or poole.elizabeth@epa.gov.

Sincerely,



Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosure: Summary of Ratings Definitions

cc: Robert Wagner, Wisconsin Department of Transportation
Joey Shoemaker, U.S. Army Corps of Engineers
Julie Widholm, Wisconsin Department of Natural Resources